

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

AUSTIN EDWARD LIGHTFEATHER,

Plaintiff,

vs.

LANCASTER COUNTY ADULT  
CORRECTIONAL CENTER,  
LANCASTER COUNTY JAIL  
MEDICAL STAFF, S. JENKINS,  
Lancaster County A.P.R.N.;  
LANCASTER COUNTY JAIL  
CLASSIFICATION REVIEW BOARD,  
LANCASTER COUNTY JAIL  
EMPLOYMENT OPPERTUNITY  
BOARD, BRAD JOHNSON, Lancaster  
County Jail Director; and SGT. MILLER,  
Inmate Hiring Officer;

Defendants.

**8:21CV97**

**MEMORANDUM AND ORDER**

This matter is before the court on Plaintiff's "Request 1) Motion to Leave of In Forma Pauperis, 2) Motion to Waive Initial Review File Fee," which he included with his Complaint and was docketed as a motion for leave to proceed in forma pauperis. (Filing 1, Part 2.) However, Plaintiff's motion does not comply with the terms of 28 U.S.C. § 1915, the statute authorizing proceedings in forma pauperis. See 28 U.S.C. § 1915(a)(1) (requiring the plaintiff to submit "an affidavit that includes a statement of all assets such prisoner possesses that the person is unable to pay such fees or give security therefor"). Plaintiff has the choice of either submitting the \$402.00 filing and administrative fees to the clerk's office or submitting a request to proceed in forma pauperis that complies with 28 U.S.C. § 1915.1 Failure to take either action within 30 days will result in the court dismissing this case without further notice to Plaintiff.

IT IS THEREFORE ORDERED that:

1. Plaintiff's "Request 1) Motion to Leave of In Forma Pauperis, 2) Motion to Waive Initial Review File Fee," construed as a request to proceed in forma pauperis (Filing 1, Part 2), is denied without prejudice to reassertion in a motion to proceed in forma pauperis that complies with 28 U.S.C. § 1915.

2. Plaintiff is directed to submit the \$402.00 fees to the clerk's office or submit a request to proceed in forma pauperis within 30 days. Failure to take either action will result in dismissal of this matter without further notice.

3. The clerk of the court is directed to send to Plaintiff the Form AO240 ("Application to Proceed Without Prepayment of Fees and Affidavit").

4. The clerk of the court is directed to set a pro se case management deadline in this matter with the following text: April 12, 2021: Check for MIFP or payment.

Dated this 12th day of March, 2021.

BY THE COURT:



Richard G. Kopf  
Senior United States District Judge